

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

| | | |
|--|---|--------------|
| ANDRE GIBSON, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | |
| CITY OF ATLANTA, a Municipal |) | CIVIL ACTION |
| Corporation of the State of Georgia; |) | FILE NO. |
| KEISHA LANCE BOTTOMS, in her |) | |
| Official capacity as the former Mayor of |) | |
| the City of Atlanta; ATLANTA POLICE |) | |
| DEPARTMENT; ERIKA SHIELDS, |) | |
| in her official capacity as former Chief |) | |
| of the Atlanta Police Department; |) | |
| OFFICER MARTIN individually and in |) | |
| his official capacity as a Police Officer |) | |
| of the City of Atlanta; JOHN DOE |) | |
| OFFICER 1, JOHN DOE OFFICER, |) | |
| JOHN DOE OFFICER 3, JOHN DOE |) | |
| OFFICER 4, JOHN DOE OFFICER 5, |) | |
| each individually and in |) | |
| their official capacity as Police Officers |) | |
| of the City of Atlanta, |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

DEFENDANT’S NOTICE OF REMOVAL

Defendant City of Atlanta (the “City”), by and through its undersigned counsel and pursuant to 28 U.S.C. §§1441 and 1446, hereby files this Notice of Removal of Civil Action No. 22EV003074, which was filed in the State Court of Fulton County, Georgia. In support of this Notice of Removal, the City states as follows:

1. On June 2, 2022, Plaintiff Andre Gibson filed a Complaint in the State Court of

Fulton County, Georgia styled *Andre Gibson v. City of Atlanta, et al.* and assigned Docket No. 22EV003074. A true and correct copy of the Complaint is attached hereto as Exhibit “A”,

2. Defendant City of Atlanta accepted service of Plaintiff’s Complaint on or about June 8, 2022. Upon information and belief, Plaintiff has not effected service of process on any other named Defendant party in this action.

3. The Complaint alleges, among other things, that the Plaintiff’s constitutional rights were violated by Defendant City of Atlanta and that he is entitled to recovery for damages pursuant to 42 U.S.C. §1983.

4. As such, this action is removable under 28 U.S.C §1441 because it is a civil action over which this Court has original jurisdiction under 28 U.S.C §1331.

5. Because this action was pending in the State Court of Fulton County, Georgia, prior to removal, venue for purposes of removal is proper in this Court under 28 U.S.C. §1441(a).

6. This Notice of Removal is timely filed pursuant to 28 U.S.C. §1446(b), as it is being filed within thirty (30) days after the City’s receipt of the *Complaint*.

7. Written notice of this Notice of Removal, a copy of which is attached as Exhibit “B”, is being sent to Plaintiff and to the Clerk of Court for the State Court of Fulton County, Georgia, as provided in 28 U.S.C. §1446(d).

8. The undersigned has reviewed this Notice of Removal, and to the best of the undersigned’s knowledge, information, and belief, formed after reasonable inquiry, it is well-grounded in fact and warranted by existing law. The undersigned also certifies that this Notice of Removal is not interposed for any improper purpose such as to cause unnecessary delay or to needlessly increase the costs of litigation.

Respectfully submitted this 8th day of July 2022.

/s/ Joel A. J. Callins

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Counsel for Defendant

5.1 CERTIFICATION

Pursuant to Local Rule 5.1(C) of the United States District Court of the Northern District of Georgia, the undersigned certified that the foregoing submission to the Court complies with the typeface and style requirements in that it contains 14-point Times New Roman font.

Respectfully submitted this 8th day of July 2022.

/s/ Joel A. J. Callins
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CERTIFICATE OF SERVICE

I hereby certify that on July 8th, 2022, I electronically filed ***DEFENDANT'S NOTICE OF REMOVAL*** with the Clerk of Court using the CM/ECF system, and emailed a courtesy copy to Plaintiff's Counsel via the information listed below:

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